

# 28-24, 25



## Kansas Administrative Regulations Kansas Department of Health and Environment

### Notice to Reader

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Office of Public Information  
Kansas Department of Health & Environment

### *Notes*

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The *Kansas Register* notes the following changes:

28-24-2	Amended	V. 16, p. 2024
28-24-4	Amended	V. 16, p. 2024
28-24-10	Amended	V. 16, p. 2024
28-24-13	Amended	V. 16, p. 2024
28-24-14	Amended	V. 16, p. 2024

70, the establishment shall immediately cease retail food operations.

(4) 8-601 Penalties. Any person who operates a retail food store, and who creates a public health hazard because of a failure to correct: (a) All 4- or 5-point violations within the time specified by the regulatory authority or violations of the code within a specified time when the retail food store rating score falls below 70 is subject to prosecution, and upon conviction, shall be fined an amount not to exceed \$100. (Authorized by K.S.A. 65-626; implementing K.S.A. 65-673; effective May 1, 1986, amended, T-87-36, Nov. 19, 1986; amended May 1, 1987.)

28-23-89. **Enactment provisions.** Chapters 9-101 through 9-104 of the 1982 retail food store sanitation code of the department of health and human services, public health service, food and drug administration, are hereby incorporated as rules and regulations of the department. (Authorized by K.S.A. 65-626; implementing K.S.A. 1984 Supp. 65-673; effective May 1, 1986.)

#### F. SERVING OF MILK

28-23-90 and 28-23-91. (Authorized by K.S.A. 1979 Supp. 65-626; effective Jan. 1, 1966; revoked May 1, 1980.)

### Article 24.—SANITARY REGULATIONS FOR COSMETOLOGISTS

28-24-1. **Definitions.** (a) "EPA" means the United States environmental protection agency.

(b) "Establishment" means any place where cosmetology is practiced, other than a cosmetology school.

(c) "Licensee" means any person licensed as a cosmetologist, cosmetology technician, manicurist or electrologist.

(d) "School" means any place licensed by the board of cosmetology for the training of cosmetologists, cosmetology technicians, manicurists or electrologists.

(e) "Student" means a person receiving training in a school. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

28-24-2. **Personal cleanliness.** (a) The person and the uniform or attire worn by an individual serving a patron shall at all times be clean. The uniform or attire shall not be shorter than midhigh and shall cover the armpits.

(b) Each person shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each patron. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

28-24-3. **Infectious disease.** (a) No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology shall be permitted to work or train in a school or establishment.

(b) No school or establishment shall require or permit a student or licensee, knowingly, to work upon a person suffering from any infectious or communicable disease which may be transmitted during the performance of the acts of cosmetology.

(c) Unused disposable gloves shall be worn by a student or licensee if there is a likelihood of exposure to blood or body fluids while working. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148, effective Jan. 4, 1993.)

28-24-4. **Towels.** (a) After a towel has once been used, it shall be deposited in a closed receptacle, and shall not again be used until properly laundered and sanitized.

(b) Used towels shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at 140 degrees Fahrenheit for not less than fifteen minutes during the washing or rinsing operation.

(c) Laundering facilities shall be in an area not open to the public.

(d) All clean towels are to be stored in a closed cabinet. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

28-24-5. **Headrests, shampoo bowls, treatment tables, and sinks.** (a) The headrest of chairs shall be covered with a clean towel or paper sheet for each patron.

(b) Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.

(c) Treatment tables must be covered with a clean sheet of examination paper or cloth for each patron.

(d) Each licensed cosmetology salon shall have at least one shampoo bowl with shampoo spray, in working order at all times, to be used with hot and

cold running water. All other licensed establishments shall have at least one handwashing sink with hot and cold running water in the work area.

(e) All schools shall have at least two handwashing sinks with hot and cold running water in the work area. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-6. Bottles and containers.** All bottles and containers in use shall be distinctly and correctly labeled to disclose their contents. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-7. Liquids, creams, powders and other preparations.** (a) All liquids, creams, and other preparations shall be kept in properly labeled clean and closed containers. Powders shall be kept in a clean shaker.

(b) When only a portion of a preparation is to be used on a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-8. Neck strips.** A sanitary neck strip or towel shall be used to keep the protective covering from coming in direct contact with a patron's neck. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-9. Instruments and supplies.** (a) All supplies and instruments which come in direct contact with a patron and cannot be disinfected, including but not limited to cotton pads, emery boards used on natural nail, and neck strips, shall be disposed of in a covered waste receptacle immediately after use.

(b) No person training or working in a school or establishment shall be permitted to carry any instrument or supplies in or on a garment or uniform such as instrument belts or instrument organizers. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-10. Disinfecting non-electrical instruments and equipment.** (a) Before use upon a patron, all non-electrical instruments and equipment shall be disinfected in the following

manner: clean with soap or detergent and water and then totally immerse in either an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions or 70% isopropyl alcohol for at least ten minutes.

(b) The disinfectant solutions specified in section (a) shall remain covered at all times and shall be changed at least once per week and/or whenever visibly cloudy or dirty.

(c) All non-disinfected instruments that have been used on a patron or soiled in any manner shall be placed in a properly labeled covered receptacle.

(d) All disinfected instruments shall be stored in a clean enclosed cabinet or covered container reserved for instruments only.

(e) If instruments and equipment specified in this section are sterilized in accordance with the requirements outlined in K.A.R. 28-24-12, the requirements of this section will be deemed to have been met. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-11. Disinfecting electrical instruments.** (a) Clippers, vibrators, and other electrical instruments shall be disinfected prior to each use by:

- (1) First removing all foreign matter; and
- (2) Disinfecting with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.

(b) All disinfected electrical instruments shall be stored in a clean, covered place. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-12. Sterilizing electrolysis instruments.** (a) Before use upon a patron, each electrolysis needle, needle tip and tweezer shall be first cleaned with detergent and water which may include the use of ultrasonic equipment and then be sterilized by one of the following methods:

- (1) Steam sterilizer, registered and listed with the federal Food and Drug Administration, used according to manufacturer's instructions; or

- (2) dry heat sterilizer, registered and listed with the federal Food and Drug Administration, used according to manufacturer's instructions.

(b) Sterilization equipment shall be checked weekly to ensure that it is reaching the temperature required by manufacturer's instructions.

(c) Sterilized equipment shall be stored in a closed sterile container.

(d) A separate sterilized vial for holding tweezers and needle during treatment shall be provided for each patron.

(e) Re-use of needles for different patrons is prohibited.

(f) Needles and other sharp equipment shall be disposed of in a puncture resistant container.

(g) All surfaces of counters, furniture, and equipment in treatment areas shall be made of smooth, non-porous materials. Surfaces shall be cleaned using an EPA-registered disinfectant according to manufacturer's instructions or a freshly prepared solution of no less than one part liquid bleach to 100 parts water. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-13. Physical facilities.** (a) The school or establishment shall be kept well lighted, well ventilated, and in a sanitary condition. Floors, walls, ceilings, furniture and other fixtures and apparatus and all other exposed surfaces in each school or establishment shall be kept clean, free from dust, hair and other debris, and in good repair at all time. All curtains shall be kept carefully laundered or chemically cleaned.

(b) If a room used for residential or non-cosmetology business purposes is the same room or adjacent to a room used for the practice of cosmetology, then a solid partition shall separate the premises used for residential or business purposes from the cosmetology area. The partition may contain a door, provided it remains closed except for entering and leaving.

(c) A separate outside entrance must be provided for the school or establishment.

(d) All establishments shall have no less than 150 square feet of floor space and all schools shall have no less than 3,500 square feet of floor space as measured by the floor space visible inside the finished room walls.

(e) All schools or establishments shall be supplied with sanitary drinking water facilities.

(f) Each establishment and school shall have a toilet and handwashing sink which shall be kept in a sanitary condition and shall be located in or adjacent to the establishment.

(g) Each handwashing sink shall have a soap dispenser and disposable towels or an air dryer for hands. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-14. Prohibitions.** (a) No smoking, eating, or drinking is allowed in the working area of an establishment or school. Food preparation is prohibited in an establishment or school.

(b) Alcoholic beverages are prohibited.

(c) Neck dusters are prohibited.

(d) No person shall bring any animal into, or permit any animal to be brought into, or permit any animal to remain in a school or establishment. Trained animals accompanying sightless, hearing impaired, or physically handicapped persons are exempted from this section.

(e) Sleeping facilities, except cribs and playpens, are prohibited.

(f) No school or establishment shall permit an accumulation of waste or refuse.

(g) All open waste containers are prohibited. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-15. Rules and licenses posted.** (a) Each school or establishment shall keep a copy of the sanitation regulations adopted by the Kansas department of health and environment, the inspection report for the school or establishment, and the license of the school or establishment posted in a conspicuous place.

(b) Each employee shall post their personal license at their work station. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

**28-24-16. Enforcement.** (a) The holder or holders of an establishment or school license and the person in charge of any such establishment or school shall be liable for implementing and maintaining all applicable sanitary regulations individually and jointly with all persons employed by or working in or on the premises. All students and licensees shall be held individually liable for implementation and maintenance of all applicable sanitary regulations.

(b) Refusal to permit, or interference with, an inspection by an authorized representative of the board of cosmetology during any time the instruction or practice of cosmetology is being conducted shall constitute a cause for disciplinary action. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Jan. 4, 1993.)

## **Article 25.—SANITARY REGULATIONS FOR BARBERS**

**28-25-1. Definitions.** (a) "EPA" means the United States environmental protection agency.

(b) "Shop" means any place where barbering is practiced, other than a barbering school.

(c) "Licensee" means any person licensed as a barber.

(d) "School" means any place licensed by the board of barbering for the training of barbers.

(e) "Student" means a person receiving training in a school. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-2. Personal cleanliness.** (a) The person and the uniform or attire worn by an individual serving a patron shall at all times be clean.

(b) Each person shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each patron. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-3. Infectious disease.** (a) No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of barbering shall be permitted to work or train in a school or shop.

(b) No school or shop shall require or permit a student or licensee, knowingly, to work upon a person suffering from any infectious or communicable disease which may be transmitted during the performance of the acts of barbering. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-4. Towels.** (a) After a towel has once been used, it shall be deposited in a closed receptacle, and shall not again be used until properly laundered and sanitized.

(b) Used towels shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at 140 degrees F for not less than fifteen minutes during the washing or rinsing operation.

(c) All clean towels are to be stored in a closed cabinet or container. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-5. Headrests and shampoo bowls.**

(a) Clean cloth or clean tissue shall be placed on headrests before serving each patron. When the headrest is not in use, it shall be kept in a clean place, free from dust and dirt.

(b) A shampoo bowl or sink with hot and cold running water shall be near each station at which

a barber is working. The water shall be supplied from an approved public water supply, with drain connected to an approved sewer system.

(c) A soap dispenser and disposable towels shall be provided near each sink or shampoo bowl.

(d) The shampoo bowl or sink shall be kept in good repair and in a clean and sanitary condition at all times. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-6. Bottles and containers.** All bottles and containers in use shall be distinctly and correctly labeled to disclose their contents. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-7. Liquids, creams, powders and other preparations.** (a) All liquids, creams, and other preparations shall be kept in properly labeled, clean and closed containers. Powders shall be kept in a clean shaker.

(b) When only a portion of a preparation is to be used on a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-8. Neck strips.** The hair cloth shall never be permitted to come in direct contact with the neck of the patron. Sanitary neck strips or towels must be used at all times to prevent such contacts. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-9. Instruments and supplies.** (a) All supplies and instruments which come in direct contact with a patron and cannot be disinfected shall be disposed of in a covered waste receptacle immediately after use.

(b) No person training or working in a school or establishment shall be permitted to carry any instrument or supplies in or on a garment or uniform. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-10. Disinfecting non-electrical instruments and equipment.** (a) Before use upon a patron, all non-electrical instruments and equipment shall be disinfected in the following manner: clean with soap or detergent and water and then totally immerse in either an EPA-regis-

tered product that contains one of the following terms on its label: sterilant; or bactericide, fungicide and virucide; or disinfectant, fungicide and virucide; or germicide, fungicide and virucide used according to manufacturer's instructions or 70% isopropyl alcohol for at least ten minutes.

(b) The disinfectant solutions specified in section (a) shall remain covered at all times and shall be changed at least once per week and/or whenever visibly cloudy or dirty.

(c) All non-disinfected instruments that have been used on a patron or soiled in any manner shall be placed in a properly labeled covered receptacle.

(d) All disinfected instruments shall be stored in a clean enclosed cabinet or covered container reserved for instruments only. (Authorized by and implementing K.S.A. 65-1,148; effective Aug. 23, 1993.)

**28-25-11. Disinfecting electrical instruments.** (a) Clippers, vibrators, and other electrical instruments shall be disinfected prior to each use by:

(1) First removing all foreign matter; and

(2) Disinfecting with an EPA-registered product that contains one of the following terms on its label: sterilant; or bactericide, fungicide and virucide; or disinfectant, fungicide and virucide; or germicide, fungicide and virucide used according to manufacturer's instructions.

(b) All disinfected electrical instruments shall be stored in a clean, covered place. (Authorized by and implementing K.S.A. 65-1,148; effective Aug. 23, 1993.)

**28-25-12. Physical facilities.** (a) The school or shop shall be kept well lighted, well ventilated, and in a sanitary condition. Floors, walls, ceilings, furniture and other fixtures and apparatus and all other exposed surfaces in each school or shop shall be kept clean, free from dust, hair and other debris, and in good repair at all time. All curtains shall be kept carefully laundered or chemically cleaned.

(b) If a room or rooms used for residential or non-barbering business purposes are in the same room or adjacent to a room used for the practice of barbering, then a solid partition shall separate the premises used for residential or business purposes from the barbering area. The partition may contain a door, provided it remains closed except for entering and leaving.

(c) A separate outside entrance shall be provided for the school or shop.

(d) All schools or shops shall be supplied with sanitary drinking water facilities. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-13. Prohibitions.** (a) The use of cuspidors or other receptacles for sputum is prohibited. No person shall expectorate in any shop or school.

(b) The use of shaving mugs and lather brushes is prohibited.

(c) The use of lump alum, styptic sticks or pencils, powder puffs, and sponge, finger or towel bowls is prohibited.

(d) Neck dusters are prohibited.

(e) No person shall bring any animal into, or permit any animal to be brought into, or permit any animal to remain in a school or shop. Trained animals accompanying sightless or hearing impaired persons shall be exempt from this section.

(f) No school or shop shall permit an accumulation of waste or refuse.

(g) All open waste containers are prohibited. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-14. Rules and licenses posted.** (a) Each school or shop shall keep a copy of the sanitation regulations adopted by the Kansas department of health and environment, the inspection report for the school or shop, and the license of the school or shop posted in a conspicuous place.

(b) Each employee or student shall post their personal license at their work station. (Authorized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

**28-25-15. Enforcement.** (a) The holder or holders of a shop or school license and the person in charge of any such shop or school shall be liable for implementing and maintaining all applicable sanitary regulations individually and jointly with all persons employed by or working in or on the premises. All students and licensees shall be held individually liable for implementation and maintenance of all applicable sanitary regulations.

(b) Refusal to permit, or interference with, an inspection by an authorized representative of the board of barbering during any time the instruction or practice of barbering is being conducted shall constitute a cause for disciplinary action. (Author-

ized by and implementing K.S.A. 1991 Supp. 65-1,148; effective Aug. 23, 1993.)

## **Article 26.—MEAT AND POULTRY**

### **A. SLAUGHTERHOUSES; PACKING, SAUSAGE AND OTHER PROCESSING PLANTS**

28-26-1 to 28-26-19. (Authorized by K.S.A. 65-6a03; effective Jan. 1, 1966; revoked May 1, 1980.)

28-26-20 to 28-26-29. **Reserved.**

### **B. POULTRY DRESSING AND PACKING PLANTS**

28-26-30 to 28-26-49. (Authorized by K.S.A. 65-6a03; effective Jan. 1, 1966; revoked May 1, 1980.)

28-26-50 to 28-26-59. **Reserved.**

### **C. STATE INSPECTION; MEAT AND POULTRY**

28-26-60 to 28-26-70. (Authorized by K.S.A. 65-6a03, 65-6a07; effective Jan. 1, 1966; revoked May 1, 1980.)

28-26-71 to 28-26-79. **Reserved.**

### **D. LABELING IMPORTED MEAT AND POULTRY**

28-26-80 to 28-26-87. (Authorized by K.S.A. 1965 Supp. 65-6a15; effective Jan. 1, 1966; revoked May 10, 1996.)

28-26-88 and 28-26-89. **Reserved.**

### **E. LUNGS IN FOOD PRODUCTS**

28-26-90. (Authorized by K.S.A. 65-603, 65-6a03; effective Jan. 1, 1966; revoked May 1, 1980.)

28-26-90a. (Authorized by K.S.A. 1979 Supp. 65-673; effective May 1, 1980; revoked May 10, 1996.)

## **Article 27.—HAZARDOUS HOUSEHOLD ARTICLES**

### **A. GENERAL REGULATIONS**

28-27-1. **Definitions.** (a) The term “hazardous substance” as used in these regulations shall mean any substance or mixture of substances which: (1) is toxic, (2) is corrosive, (3) is an irritant, (4) is flammable, (5) is radioactive, or (6) generates pressure through decomposition, heat or other means, if such substance may cause substantial personal injury or illness during any

customary or reasonably anticipated handling or use.

(b) The term “toxic” shall apply to any substance which has the inherent capacity to produce bodily injury through ingestion, inhalation, or absorption through the skin.

(c) (1) The term “poison” means any toxic substance which falls within any of the following categories: (A) produces death within forty-eight hours in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of fifty milligrams or less per kilogram of body weight, when orally administered; or (B) produces death within forty-eight hours in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of two milligrams or less per liter of gas, vapor, mist, or dust: *Provided*, Such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or (C) produces death within forty-eight hours in half or more than half of a group of ten or more rabbits tested in a dosage of two hundred milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four hours or less.

(2) If available data on experience with either mature or immature humans with any substance in the above named concentrations indicate results different from those obtained on animals, the human data shall take precedence.

(d) The term “corrosive” means any substance which in contact with living tissue will cause substantial destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

(e) The term “irritant” means any substance, not corrosive within the meaning of subsection (d) of this section, which in contact with normal living tissue will induce a severe local tissue reaction.

(f) The term “flammable” shall apply to any substance which has a flash point of eighty degrees Fahrenheit, or below, as determined by the Tagliabue open cup tester.

(g) The term “radioactive” shall apply to any substance which as a result of disintegration of unstable atomic nuclei emits energy.

(h) The term “label” means a display of written, printed, or graphic matter upon the immediate container of any substance; and a require-

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Article 24.--SANITARY REGULATIONS  
FOR COSMETOLOGISTS

28-24-2 Personal cleanliness. (a) The person and the uniform or attire worn by an individual serving a patron shall at all times be clean. The uniform or attire shall cover the body from the shoulders to midhigh, including the armpits. Short sleeves shall be acceptable.

(b) Each person shall thoroughly wash that person's hands with soap and water or any equally effective cleansing solution before serving each patron. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-4 Towels. (a) After a towel has once been used, it shall be deposited in a closed receptacle and shall not again be used until properly laundered and sanitized.

(b) Used towels shall be laundered either by regular commercial laundering or by a noncommercial laundering process including immersion in water of at least 140 degrees Fahrenheit for no fewer than 15 minutes during the washing or rinsing operation.

(c) Laundering facilities shall be in an area not open to the public.

(d) All clean towels shall be stored in a closed cabinet. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-10 Disinfecting nonelectrical instruments and equipment. (a) Before use upon a patron, all nonelectrical instruments and equipment shall be disinfected in the following manner:

(1) clean with soap or detergent and water; and

(2) totally immerse in an EPA-registered, hospitalgrade disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity when used according to manufacturer's instructions.

(b) All nonelectrical instruments and equipment that have come in contact with blood or other body fluids shall be disinfected in the following manner:

(1) clean with soap or detergent and water; and

(2) totally immerse in an EPA-registered, hospitalgrade disinfectant with demonstrated bactericidal, fungicidal, virucidal, and tuberculocidal activity when used according to the manufacturer's instructions.

(c) The disinfectant solutions specified in sections (a) and (b) shall remain covered at all times and shall be changed at least once per week or more frequently, as when visibly cloudy or dirty.

(d) Manufacturer-labeled containers for the disinfectant solutions specified in sections (a) and (b) shall be available at all times in the establishment or school.

(e) All non-disinfected instruments that have been used on a patron or soiled in any manner shall be placed in a properly labeled, covered receptacle.

(f) All disinfected instruments shall be stored in a clean, enclosed cabinet or covered container reserved for instruments only.

(g) If instruments and equipment specified in this regulation are sterilized in accordance with the requirements outlined in K.A.R. 28-24-12, the requirements of this section shall be deemed to have been met. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-13 Physical facilities. (a) The school or establishment shall be kept well lighted, in a sanitary condition, and ventilated by natural or mechanical methods that remove or exhaust fumes, vapor, or dust to prevent hazardous



conditions from occurring and to allow the free flow of air in a room in proportion to the size and the capacity of the room. Floors, walls, ceilings, furniture and other fixtures and apparatus, and all other exposed surfaces in each school or establishment shall be kept clean, free from dust, hair and other debris, and in good repair at all time. All curtains shall be kept carefully laundered or chemically cleaned.

(b) If a room used for residential purposes is the same room or adjacent to a room used for the practice of cosmetology, then a solid partition shall separate the premises used for residential purposes from the cosmetology area. The partition may contain a door, if it remains closed except for entering and leaving.

(c) If a room used for non-cosmetology business purposes is the same room or adjacent to a room used for the practice of cosmetology and if there are conditions that the board of cosmetology, upon consultation with the secretary of health and environment, considers a possible threat to the health of the employees, the customers, or the public, then one or more of the following provisions may be required by the board of cosmetology to be met.

(1) A solid partition shall separate the premises used for non-cosmetology business purposes from the cosmetology area. The partition may contain a door, if it remains closed except for entering and leaving.

(2) A separate outside entrance shall be provided for the school or establishment.

(d) All schools or establishments shall be supplied with sanitary drinking water facilities.

(e) Each establishment and school shall have a toilet and handwashing sink that shall be kept in a sanitary condition and shall be located in or adjacent to the establishment.

(f) Each handwashing sink shall have a soap dispenser and disposable towels or an air dryer for hands. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

28-24-14 Prohibitions. (a) The following shall be prohibited in the working area of an establishment or school:

- (1) Smoking, eating, or food preparation;
- (2) alcoholic beverages;
- (3) neck dusters;
- (4) animals, except for trained animals accompanying disabled persons;
- (5) sleeping facilities, except cribs and playpens;
- (6) devices, tools, or instruments to remove calluses or skin blemishes;
- (7) skin-removal techniques and practices that affect the living layers of skin;
- (8) application of electricity that contracts the muscle; and
- (9) open waste containers.

(b) No school or establishment shall permit an excessive accumulation of waste or refuse. (Authorized by and implementing K.S.A. 65-1,148; effective Jan. 4, 1993; amended Jan. 2, 1998.)

Gary R. Mitchell  
Secretary of Health  
and Environment